

STAND. COM. REP. NO. 716

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 150  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 150 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to require  
candidates for United States President and Vice President to  
submit a copy of their most recent income tax return with the  
sworn application in order to be included on the general election  
state ballot.

Your Committee received testimony in support of this measure  
from the Americans for Democratic Action Hawai'i, Common Cause  
Hawaii, League of Women Voters of Hawaii, and three individuals.  
Your Committee received testimony in opposition to this measure  
from the Libertarian Party of Hawaii and one individual. Your  
Committee received comments on this measure from the Department of  
the Attorney General and Tax Foundation of Hawaii.

Your Committee finds that a majority of United States  
presidential and vice presidential candidates have made their  
income tax returns publicly available for the last forty years.  
This measure codifies this longstanding practice to increase  
transparency as well as the public's trust in their national  
leaders.



Your Committee notes the comments raised in written testimony submitted by the Department of the Attorney General that this measure may pose constitutional problems, especially with regard to whether a state may impose requirements in addition to the residency and age requirements under the United States Constitution for a presidential or vice presidential candidate. However, the Department of the Attorney General noted that states are given plenary authority over selection of electors.

Accordingly, your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Attorney General that:
  - (A) Adds a preamble section regarding the importance of candidates for the office of United States President and Vice President making their most recent income tax returns available to the public;
  - (B) Requires candidates for President and Vice President of the United States to post their most recent income tax return on the Internet at least sixty days prior to and continuing through the date of the general election for free access by the public, rather than submit a copy of each candidate's income tax return with their sworn application, in order to be included on the state ballot, subject to certain conditions; and
  - (C) Prohibits electors from voting for a candidate for President or Vice President of the United States unless both candidates have posted their most recent income tax return on the Internet at least sixty days prior to and continuing through the date of the general election for free access by the public, subject to certain conditions;
- (2) Adding a severability clause;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and



- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 150, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 150, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB190</b>	Committee Referral: <b>JDL</b>	Date: <b>2/28/17</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature: *Hal Rhoads*

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\*Only one measure per Record of Votes